

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RENX GROUP, LLC,

Plaintiff,

v.

**US BANK AS SUCCESSOR TRUSTEE TO
BANK OF AMERICA, NA, SUCCESSOR
IN INTEREST TO LASALLE BANK NA
ON BEHALF OF THE
CERTIFICATEHOLDERS OF WMALT
SERIES 2007-OA3; NORTHWEST
TRUSTEE SERVICES, INC.; AND
ARKADY VAYNER, AN INDIVIDUAL,**

Defendants.

Case No. 3:15-CV-01187-PK

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Michael H. Simon, District Judge.

United States Magistrate Judge Paul Papak issued Findings and Recommendation in this case on September 28, 2015. Dkt. 27. Judge Papak recommended that the Motion to Dismiss (Dkt. 14), filed by Defendant U.S. Bank as Successor Trustee to Bank of America, N.A., Successor in Interest to LaSalle Bank NA on Behalf of Certificateholders of WMALT Series 2007-OA3 (the “Trust”), be GRANTED. No party has filed objections.

Under the Federal Magistrates Act (“Act”), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.

§ 636(b)(1). If a party files objections to a magistrate’s findings and recommendations, “the court

shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review de novo magistrate’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Papak’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court **ADOPTS** Judge Papak’s Findings and Recommendation. Dkt. 27. The Trust’s Motion to Dismiss (Dkt. 14) is granted on the basis that Plaintiff lacks standing.

IT IS SO ORDERED.

DATED this 23rd day of October, 2015.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge